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UNITED STATES BANKRUPTCY COURT DISTRICT OF MASSACHUSETTS

WORCESTER, ss.		
In re:)	Chapter 7
WESTBOROUGH SPE LLC,)	Case No. 23-40709-CJF
Debtor.)	

MOTION TO COMPEL EVALUATION OF RELATED CLAIMS CONCURRENTLY WITH RESOLUTION OF TRUSTEE'S OBJECTION TO CLAIM NO. 4 FILED BY CREDITOR LOLONYON AKOUETE

Now comes Lolonyon Y. Akouete ("Movant"), a creditor herein, respectfully requesting this Court to compel the Chapter 7 Trustee ("Trustee") to evaluate related creditor claims concurrently with the Trustee's objection to Claim No. 4 filed by Movant. In support thereof, Movant states:

I. BACKGROUND

- 1. On August 31, 2023, an involuntary Chapter 7 bankruptcy petition was filed against Westborough SPE LLC ("Debtor"). An Order for Relief was entered on October 11, 2023.
- 2. Movant undertook significant legal and financial efforts, including borrowing funds and retaining counsel, in his capacity as a manager of the Debtor, to preserve the Debtor's primary assets from permanent loss through tax foreclosure and abandonment. These efforts successfully secured valuable assets now constituting the primary bankruptcy estate:

The bankruptcy estate includes (a) real property located at 231 Turnpike Road, Westborough, Massachusetts (the "Property"), which was appraised on October 4, 2024, for \$4,790,000; and (b) funds totaling \$1,293,646.83 from an abandoned checking account at MUFG Union Bank, NA, now held by the Trustee.

3. As a direct result of Movant's management efforts to preserve these assets, multiple claims were later filed by professionals and third parties who provided services or support based on the premise of restoring value to the Debtor.

II. CLAIMS ARISING FROM MOVANT'S MANAGEMENT EFFORTS

The claims directly resulting from Movant's managerial preservation activities include:

- Claim No. 1: Darin Clagg (\$10,000.00) reimbursement for funding litigation efforts to recover the Debtor's assets.
- Claim No. 2: Ferris Development Group, LLC (\$10,000.00) reimbursement for funding litigation efforts to recover the Debtor's assets and linked to participation in bidding and settlement structures.
- Claim No. 3: Matthew A. Morris/Sherin & Lodgen LLP (\$20,000.00) legal services retained by Movant for state litigation aimed at reversing the foreclosure and recovering estate property.

- Claim No. 4: Lolonyon Akouete (\$3,146,823.50) compensation for managerial services, legal strategy, and asset recovery actions.
- Claim No. 5: Denise Edwards (\$333,491.75) compensation for managerial services and asset recovery actions.
- Claim No. 7: Nathanson & Goldberg, P.C. (\$121,692.83) legal services provided for litigation to recover the Debtor's interest in the MUFG Union Bank funds and the real estate asset.

III. SETTLEMENT CLAIMS HISTORY AND STRUCTURE

Claims No. 2 (Ferris Development Group) and No. 7 (Nathanson & Goldberg, P.C.) were previously included in a withdrawn settlement proposal filed by the Trustee. Under that proposal:

- Ferris Development Group would receive a \$10,000 allowed claim and a \$100,000 reimbursement for RFP-related bid preparation costs, contingent on a sale to a third party.
- Nathanson & Goldberg, P.C., would retain its \$121,692.83 claim, with its processing to proceed in the ordinary course.

Additionally, Claim No. 6 (MobileStreet Trust) was acknowledged and set at \$374,934.60 pursuant to a stipulation in the same withdrawn settlement.

IV. POTENTIAL PREJUDICE TO DERIVATIVE CLAIMANTS

The Trustee's pending objection to Movant's claim, if successful, could substantially undermine or invalidate these related claims. This risk exists despite their prior inclusion in settlement discussions, as future settlements may exclude or challenge them on technical or derivative grounds.

V. PRIOR SETTLEMENT EFFORTS

On July 2024, the Trustee proposed a global settlement involving the Town of Westborough, Ferris Development Group, Nathanson & Goldberg, MobileStreet Trust, and Lax Media. The proposal aimed to resolve all disputes involving the Property and recover value for the estate through a structured sale. The agreement was later withdrawn, but its structure acknowledged the direct relevance of claims that arose from Movant's asset preservation actions.

VI. NEED FOR CONCURRENT CLAIM EVALUATION

To ensure judicial economy, procedural fairness, and protection against undue prejudice, all claims arising from the same underlying factual and legal bases must be considered concurrently. Evaluating these claims together will prevent piecemeal adjudication, duplicative litigation, and ensure fair notice and protection for all creditors relying on Movant's foundational efforts.

VII. RELIEF REQUESTED

WHEREFORE, Movant respectfully requests the Court:

- 1. Order the Trustee to evaluate and formally determine the allowability of all creditor claims (Claims No. 1, 2, 3, 5, and 7) concurrently with the Trustee's objection to Claim No. 4;
- 2. Prohibit the Trustee from future piecemeal objections to these claims based solely on the outcome of Claim No. 4 without separate motion and hearing;

3. Grant such additional relief as the Court deems just and equitable.

DATED: May 27, 2025, Respectfully submitted:

By creditor,

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Lolonyon Akouete 800 Red Milles Rd Wallkill NY 12589 info@smartinvestorsllc.com (443) 447-3276

CERTIFICATE OF SERVICE

I, Lolonyon Akouete, hereby certify that the above document is served by email and mailing a copy of the same, first-class mail, to the following:

Stephen F. Gordon, Attorney of the Petitioners

(Email: sgordon@gordonfirm.com)

The Gordon Law Firm LLP

River Place 57 River Street Wellesley, MA 02481

Scott A. Schlager on behalf of,

Nathanson & Goldberg, P.C., a creditor.

(Email: sas@natgolaw.com)

183 State Street, 5th Floor Boston, MA 02109

Assistant U.S. Trustee Richard King Office of US. Trustee

446 Main Street 14th Floor Worcester, MA 01608

USTPRegion01.WO.ECF@USDOJ.GOV

Jonathan R. Goldsmith Chapter 7 Trustee

trusteedocs1@gkalawfirm.com

Goldsmith, Katz & Argenio P.C. 1350 Main Street, 15th Floor.

Springfield, MA 01103

Dyann Blaine 20 Queensbrook Place Orinda, CA 94563

dyann.blaine@gmail.com

Jan Blaustein Scholes 7501 E Thompson Peak Pkwy Scottsdale, AZ 85255

jan.scholes2@gmail.com

Mark S. Lichtenstein AKERMAN LLP

1251 Avenue of the Americas, 37th Flr.

New York, New York 10020

mark.lichtenstein@akerman.com

Paul W. Carey, Attorney of Creditor

FERRIS DEVELOPMENT GROUP, LLC

(Email: pcarey@mirickoconnell.com)

Mirick, O'Connell, DeMallie & Lougee, LLP

100 Front Street, Worcester, MA 01608

Brian W. Riley, Attorney of Creditor

Jeffrey T. Blake, Attorney of Creditor

Roger L. Smerage, Attorney of Creditor

TOWN OF WESTBOROUGH

(Email: briley@k-plaw.com)

(Email: jblake@k-plaw.com)

(Email: rsmerage@k-plaw.com)

KP Law, P.C. 101 Arch Street, 12th Floor Boston, MA 02110

Gary M Ronan

David M Abromowitz

Goulston&storrs

GRonan@goulstonstorrs.com

DAbromowitz@goulstonstorrs.com

400 Atlantic Avenue

Boston, MA 02110

Peter Blaustein

950 Vista Road

Hillsborough, CA 94010

pblaustein@gmail.com

Walter Horst

Babcock & Brown

1264 Rimer Drive

Moraga, CA 94556

walter.horst@babcockbrown.com

Samual A. Miller, Esq.

AKERMAN LLP

420 South Orange Avenue

Suite 1200

Orlando, FL 32801

samual.miller@akerman.com

sharlene.harrison-carera@akerman.com

